

REMARKS

I. STATUS OF THE CLAIMS

Claims 1, 6-18 and 21 are amended. Claims 2-5, 19 and 20 have been cancelled. Claims 1, 6-18 and 21 are pending and under consideration. Applicants assert that no new matter has been added.

II. REJECTION UNDER 35 U.S.C. 112, FIRST PARAGRAPH

Claim 14 was rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The Office Action states that the term "no substantial data" fails to comply with the enablement requirement because a person of ordinary skill in the art would not be able to determine what constitutes "substantial." (See Office Action item 4).

Claim 14 has been amended to delete the word "substantial." The term "no data," as now amended, would allow someone of ordinary skill in the art to make and use the invention. Accordingly, applicants respectfully request that the rejection under 35 U.S.C. 112, first paragraph, be withdrawn.

III. REJECTION UNDER 35 U.S.C. 112, SECOND PARAGRAPH

Claims 12, 13, and 14 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action states that there is insufficient antecedent basis for the term "the scrambled information." (See Office Action item 6).

Claims 12 and 13 have been amended to recite "scrambled information" by removing the term "the." The Examiner was correct in interpreting the claim as "scrambled information." (See Spec. pg. 8 lines 10-20).

Claim 14 was also rejected under the same reasoning. Claim 14, however, does not include the term "the scrambled information." Applicants believe that the amendment to claim 14 in order to comply with 35 U.S.C. 112, first paragraph, (See Section II) renders the claim in compliance with 35 U.S.C. 112, second paragraph, as well. Accordingly, applicants respectfully request that the rejection under 35 U.S.C. 112, second paragraph, be withdrawn.

IV. PRIOR ART REJECTIONS UNDER 35 U.S.C. 103(a)

Of the remaining claims, the Office Action rejected claims 1, 6-18 and 21 under 35 U.S.C. 103(a). These claims were rejected over various combinations over Nukamaura et al. (U.S. 2002/0194367), Zheng et al. (U.S. 2002/0181400), Wingard et al. (U.S. 5,948,089) and Official Notice of common knowledge in the art (hereinafter "ON"). This rejection is respectfully traversed.

The cited art, Nakamura, Zheng, Wingard and ON, individually or combined, fail to describe, teach or suggest "copying the data and transferring the data to one or more receivers other than the addressed receiver or another distribution device through the network, based on the address of the receiver for which the data should be copied and transferred and the data transfer available/unavailable flag stored in the broadcast type communication control table storage unit" as recited by amended claim 1 (emphasis added, see last six lines of claim 1).

The Office Action concedes that Nakamura-ON-Zheng does not describe "each data transfer available/unavailable flag addressed to the receiver (Office Action pg. 10, item 21, second paragraph). The Office Action cites Wingard (Fig. 6, col, 15 lines 1-16, "flag 7") as curing this deficiency. Although, Wingard describes the utilization of a flag, the flag in Wingard is not an "available/unavailable flag," but rather a "FlagNum" or Flag number (col. 15 lines 5-7). Moreover, the "flag" in Wingard is not stored in a "control table storage unit" as recited in claim 1. Wingard teaches the "flag" being "stored in the configuration registers and therefore this allocation is programmable over the communications bus" (col. 15 lines 22-25).

Accordingly, claim 1 patentably distinguishes over the cited art for at least the reasons stated above.

In addition, the cited art does not describe, teach, or suggest the particular combination of "copying the data and transferring the data to one or more receivers other than the addressed receiver or another distribution device through the network, based on the address of the receiver for which the data should be copied and transferred and the data transfer available/unavailable flag stored in the broadcast type communication control table storage unit" as recited in claim 1.

In *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 127 SCt 1727, 167 LEd2d 705 (U.S. 2007), the U.S. Supreme Court held that in determining obviousness, one "must ask whether the improvement is more than the predictable use of prior art elements according to their established functions" slip op. 13, 82 USPQ2d at 1396. Furthermore, it is necessary "to determine whether there was an apparent reason to combine the known elements in the fashion

claimed" slip op. 14, 82 USPQ2d at 1396. Therefore, it is respectfully submitted that "copying the data and transferring the data to one or more receivers other than the addressed receiver or another distribution device through the network, based on the address of the receiver for which the data should be copied and transferred and the data transfer available/unavailable flag stored in the broadcast type communication control table storage unit" as recited by claim 1, is not a predictable use of established functions known in the prior art, nor does the cited art provide "an apparent reason to combine the known elements in the fashion claimed" as required by *KSR v. Teleflex*.

Claims 6-17 depend from claim 1 and inherit the patentable recitations of their base claim, and therefore, patentably distinguish over the cited art for at least the reasons stated above.

Claim 18 recites "copies/transfers the data to one or more receivers other than the address receiver, based on the address of the receiver for which the data should be copied and transferred and the data transfer available/unavailable flag stored in the broadcast type communication control table storage unit," and therefore, patentably distinguishes over the cited art for at least the reasons stated above.

Claim 21 recites "copy/transfer means for relaying data to an addressed receiver, copying the data and transferring the data to one or more receivers other than the addressed receiver or another distribution device through the network, based on the address of the receiver for which the data should be copied and transferred and the data transfer available/unavailable flag stored in the broadcast type communication control table storage means," and therefore, patentably distinguishes over the cited art for at least the reasons stated above.

Accordingly, applicants assert that claims 1, 6-18 and 21 patentably distinguish over the cited art and respectfully request the U.S.C. 103(a) rejection be withdrawn.

V. CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

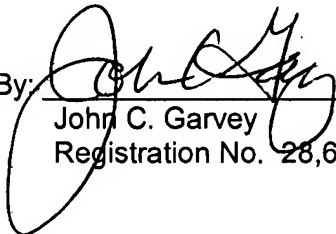
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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